

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 2, and 4-17 were pending in this application. In this Amendment, claims 1, 2, 5, 8, 10, 11, and 17 are amended and claim 16 is canceled. Each of the independent claims 1, 5, and 10 have been amended to include the subject matter of canceled claim 16, and to further recite the invention in order to better place the claims in condition for allowance. Support for the amendments can be found at least in former claim 16 and in paragraph [0081] of the specification. No new matter has been added. The amendments to the claims do not require further consideration since the essential features recited therein have already been presented for examination in former claim 16. For at least the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1, 2, and 5-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,760,759 to Chan ("Chan"). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of U.S. Patent No. 6,185,198 to LaDue ("LaDue"). Applicant respectfully traverses the rejections.

Claim 1 has been amended to recite a method for searching for a folder wherein, *inter alia*, "the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script." The cited portions of Chan do

not disclosed, teach, or suggest, such a script processor and therefore claim 1 is patentable over Chan.

These features of the claim have been recited in a similar fashion in former claim 16 (now canceled). With respect to the rejection of claim 16, the Examiner referred to col. 5, lines 20-35 and 35-40 of Chan. Applicant respectfully submits that these portions of Chan do not disclose, teach, or suggest the claimed features. The claimed invention is directed to a method for searching for a folder in a menu of a wireless device and is facilitated by the use of a script processor in the remote server. The script processor activates a script that can be a series of coordinated operations that display one or more queries on the wireless device. In this manner, the script generates further search parameters, which may be in addition to any entered by the user, in order to further assist and expedite the search. Further possible advantages of the scripts and script processor of the present invention are discussed in paragraphs [0022] and [0023] of the specification. Such features are not disclosed, taught, or suggested by the cited portions of Chan.

Lines 20-35 of col. 5 of Chan refer to the formats for web pages that a handheld unit is programmed to recognize and interpret, which include HTML and XML. There is no mention therein of a script processor in a remote server that is configured to provide further search parameters that are based on responses to queries displayed on the wireless device. Additionally, there is no mention of queries being displayed upon the activation of a script. Further still, there is no mention of the identification of a folder based on search parameters received from the wireless device as well as any further search parameters that are provided by a script processor.

Lines 35-40 of col. 5 of Chan refer to a speedy search application with “memory resident in the handheld unit” (col. 5, lines 36-37). Thus, there is no teaching therein of a remote server that comprises a script processor as claimed. The speedy search application described in the cited portions of Chan is resident on the handheld and merely “presents to the user the types of information the user typically wishes to search for.” (Col. 5, lines 38-39.) Accordingly, the speedy search application is not configured to provide further search parameters that are based on responses to queries and that are used to identify a folder that is part of a preexisting deck maintained by a remote server. The speedy search application is simply a menu that is presented to a user based on possibly customized information, and is located in memory in the handheld. Therefore, claim 1 is patentable over Chan.

Moreover, Applicant respectfully submits that LaDue does not cure the deficiencies of Chan. LaDue discloses a system for transmitting and receiving wireless data messages and does not disclose, teach, or suggest the claimed features related to a wireless search method and device. Claim 1 is therefore patentable over Chan by virtue of its dependency from claim 1 as discussed above and is further patentable over Chan and LaDue, alone or in combination, since LaDue does not cure the deficiencies of Chan.

Each of the other independent claims, 5 and 10, recite similar features as claim 1 and are therefore patentable over Chan and LaDue for at least the same reasons as discussed above. Claims 2, 4, 6-9, 11-15, and 17 are patentable over Chan and LaDue at least by virtue of their dependency from claims 1, 5, and 10 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 5-15, and 17 under 35 U.S.C. § 102(e) based on Chan and of claim 4 under 35 U.S.C. § 103(a) based on Chan and LaDue are respectfully requested.

To the extent that the Examiner attempts to rely on inherent teachings of Chan, Applicant respectfully notes that to establish inherency, it must be shown that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *See* MPEP § 2112.IV. Accordingly, where the Examiner relies on parts of Chan that are silent or ambiguous as to elements of the claims, it is not enough to be *possible* that Chan performs the invention as claimed; the missing elements must *necessarily* be present in order to anticipate.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

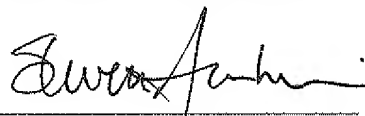
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Respectfully submitted,

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